

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 20-0604.01 Jery Payne x2157

**HOUSE BILL 20-1343**

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**HOUSE SPONSORSHIP**

**Roberts,**

**SENATE SPONSORSHIP**

**Donovan,**

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**House Committees**  
Rural Affairs & Agriculture

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CONFINEMENT STANDARDS FOR EGG-LAYING HENS**  
102 **WHOSE EGGS ARE SOLD.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a farm owner or operator to house chicken, turkey, duck, goose, or guinea fowl hens (hens) in accordance with the standards established in the bill. And the bill prohibits, on and after January 1, 2022, a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a manner that conflicts with these standards. In connection with this

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

HOUSE  
Amended 2nd Reading  
June 1, 2020

prohibition, the bill:

- ! Requires, by January 1, 2022, hens to be confined in an enclosure with at least one square foot of usable floor space per hen;
- ! Requires, by January 1, 2024, hens to be confined in a cage-free housing system with at least:
  - ! One square foot of usable floor space per hen if the hens have unfettered access to vertical space; or
  - ! One and one-half square feet of usable floor space per hen if the hens do not have unfettered access to vertical space;
- ! Deems a sale to have occurred at the location where the buyer takes physical possession of the shell egg or egg product;
- ! Allows a business to rely upon written certification that the shell egg or egg product did not come from hens that were confined in a manner that conflicts with the bill;
- ! Authorizes the commissioner of agriculture to impose a civil penalty up to \$1,000 per violation;
- ! Makes the commissioner responsible for promulgating rules to implement and enforce the bill; and
- ! Authorizes the commissioner to use a government or private inspection process.

The bill requires shell eggs and egg products to be annually certified as in compliance. Certification requires an inspection.

The following are exempt from the bill's requirements:

- ! Medical research;
- ! Veterinary purposes;
- ! Transportation;
- ! A state or county fair exhibition, a 4-H program, and similar exhibitions;
- ! Slaughter;
- ! Temporary periods for animal husbandry;
- ! A farm with 3,000 or fewer egg-laying hens; or
- ! A business owner or operator selling fewer than 25 cases of shell eggs per week.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article  
3 21 of title 35 as follows:

4 **PART 2**

1                                    CONFINEMENT OF EGG-LAYING HENS

2                    **35-21-201. Legislative declaration.** IN ACCORDANCE WITH THE  
3 GENERAL ASSEMBLY'S AUTHORITY TO PROTECT THE HEALTH AND WELFARE  
4 OF CONSUMERS, PROMOTE FOOD SAFETY, AND ADVANCE ANIMAL WELFARE,  
5 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE REGULATION OF  
6 EGG PRODUCTION ON FARMS AND OF THE SALE OF EGGS AND EGG  
7 PRODUCTS WILL FURTHER THESE GOALS.

8                    **35-21-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10                    (1) "BUSINESS OWNER OR OPERATOR" MEANS ANY PERSON WHO  
11 OWNS OR CONTROLS THE OPERATIONS OF A BUSINESS.

12                    (2) (a) "CAGE-FREE HOUSING SYSTEM" MEANS AN INDOOR OR  
13 OUTDOOR CONTROLLED ENVIRONMENT FOR EGG-LAYING HENS TO WHICH  
14 ALL OF THE FOLLOWING APPLY:

15                    (I) FOR AN INDOOR ENVIRONMENT, THE EGG-LAYING HENS ARE  
16 FREE TO ROAM UNRESTRICTED EXCEPT BY THE FOLLOWING:

17                    (A) EXTERIOR WALLS; AND

18                    (B) INTERIOR FENCING USED TO CONTAIN THE ENTIRE EGG-LAYING  
19 HEN FLOCK WITHIN THE BUILDING OR SUBDIVIDE FLOCKS INTO SMALLER  
20 GROUPS IF FARM EMPLOYEES CAN WALK THROUGH EACH CONTAINED OR  
21 SUBDIVIDED AREA TO PROVIDE CARE TO EGG-LAYING HENS AND IF EACH  
22 EGG-LAYING HEN HAS THE MINIMUM AMOUNT OF USABLE FLOOR SPACE  
23 DESCRIBED IN SECTION 35-21-203 (1)(b)(II);

24                    (II) EGG-LAYING HENS ARE PROVIDED ENRICHMENTS THAT ALLOW  
25 THEM TO EXHIBIT NATURAL BEHAVIORS, INCLUDING, AT A MINIMUM,  
26 SCRATCH AREAS, PERCHES, NEST BOXES, AND DUST BATHING AREAS; AND

27                    (III) FARM EMPLOYEES CAN PROVIDE CARE WHILE STANDING

1        WITHIN THE EGG-LAYING HENS' USABLE FLOOR SPACE.

2            (b) "CAGE-FREE HOUSING SYSTEM" INCLUDES MULTI-TIERED  
3        AVIARIES, PARTIALLY SLATTED SYSTEMS, AND SINGLE-LEVEL ALL-LITTER  
4        FLOOR SYSTEMS.

5            (c) "CAGE-FREE HOUSING SYSTEM" DOES NOT INCLUDE SYSTEMS  
6        COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED  
7        CAGES, ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES,  
8        FURNISHED CAGES, OR SIMILAR CAGE SYSTEMS.

9            (3) "COMMISSIONER" MEANS THE COMMISSIONER OF  
10        AGRICULTURE.

11           (4) "EGG-LAYING HEN" MEANS A FEMALE DOMESTICATED  
12        CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE  
13        OF COMMERCIAL EGG PRODUCTION.

14           (5) (a) "EGG PRODUCT" MEANS AN EGG OF AN EGG-LAYING HEN  
15        THAT IS SEPARATED FROM THE SHELL AND INTENDED FOR HUMAN FOOD,  
16        WHETHER IN LIQUID, SOLID, DRIED, OR FROZEN FORM, WHETHER RAW OR  
17        COOKED, AND WITH:

18            (I) THE EGG YOLK AND EGG WHITE IN THEIR NATURAL  
19        PROPORTIONS; OR

20            (II) THE EGG YOLK AND EGG WHITE SEPARATED, MIXED, OR MIXED  
21        AND STRAINED.

22            (b) "EGG PRODUCT" DOES NOT INCLUDE COMBINATION FOOD  
23        PRODUCTS, INCLUDING PANCAKE MIXES, CAKE MIXES, COOKIES, PIZZAS,  
24        COOKIE DOUGH, OR ICE CREAM, THAT INCLUDE EGG AS ONE OF MULTIPLE  
25        INGREDIENTS IN THE PRODUCT; EXCEPT THAT MERELY ADDING SUGAR,  
26        SALT, WATER, SEASONING, COLORING, FLAVORING, PRESERVATIVES,  
27        STABILIZERS, OR SIMILAR FOOD ADDITIVES DOES NOT MAKE AN EGG

1 PRODUCT A COMBINATION FOOD PRODUCT.

2 (6) "ENCLOSURE" MEANS A STRUCTURE USED TO CONFINED AN  
3 EGG-LAYING HEN.

4 (7) (a) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES,  
5 AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE  
6 COMMERCIAL PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR  
7 FOOD.

8 (b) "FARM" DOES NOT INCLUDE LIVE ANIMAL MARKETS OR  
9 OFFICIAL PLANTS WHERE MANDATORY INSPECTION IS MAINTAINED UNDER  
10 THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET  
11 SEQ., AS AMENDED.

12 (8) "FARM OWNER OR OPERATOR" MEANS A PERSON THAT OWNS A  
13 FARM OR CONTROLS THE OPERATIONS OF A FARM.

14 (9) "MULTI-TIERED AVIARY" MEANS A CAGE-FREE HOUSING  
15 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO  
16 MULTIPLE ELEVATED PLATFORMS THAT PROVIDE THE EGG-LAYING HENS  
17 WITH USABLE FLOOR SPACE BOTH ON TOP OF AND UNDERNEATH THE  
18 PLATFORMS.

19 (10) "PARTIALLY SLATTED SYSTEM" MEANS A CAGE-FREE HOUSING  
20 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO  
21 ELEVATED FLAT PLATFORMS UNDER WHICH MANURE DROPS THROUGH THE  
22 FLOORING TO A PIT OR LITTER REMOVAL BELT BELOW THE PLATFORM.

23 (11) "SALE" MEANS A COMMERCIAL SALE BY A BUSINESS THAT  
24 SELLS ANY ITEM COVERED BY THIS PART 2. "SALE" DOES NOT INCLUDE ANY  
25 SALE UNDERTAKEN AT AN OFFICIAL PLANT WHERE MANDATORY  
26 INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS  
27 INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ., AS AMENDED.

1 (12) "SHELL EGG" MEANS A WHOLE EGG OF AN EGG-LAYING HEN  
2 IN ITS SHELL FORM, INTENDED FOR USE AS HUMAN FOOD.

3 (13) "SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM" MEANS A  
4 CAGE-FREE HOUSING SYSTEM BEDDED WITH LITTER WHERE EGG-LAYING  
5 HENS HAVE LIMITED OR NO ACCESS TO ELEVATED FLAT PLATFORMS.

6 (14) (a) "USABLE FLOOR SPACE":

7 (I) MEANS THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE  
8 PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING THE  
9 TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO EGG-LAYING HENS  
10 IN AN ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT  
11 ENCLOSURE; AND

12 (II) INCLUDES BOTH GROUND SPACE AND ELEVATED LEVEL OR  
13 NEARLY LEVEL FLAT PLATFORMS UPON WHICH EGG-LAYING HENS CAN  
14 ROOST.

15 (b) "USABLE FLOOR SPACE" DOES NOT INCLUDE PERCHES OR  
16 RAMPS.

17 **35-21-203. Enclosure requirements - repeal.** (1) (a) (I) ON AND  
18 AFTER JANUARY 1, 2023, A FARM OWNER OR OPERATOR SHALL NOT  
19 KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN ENCLOSURE WITH LESS  
20 THAN ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING HEN.

21 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,  
22 2025.

23 (b) ON AND AFTER JANUARY 1, 2025, A FARM OWNER OR  
24 OPERATOR SHALL NOT KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN  
25 ENCLOSURE:

26 (I) THAT IS NOT A CAGE-FREE HOUSING SYSTEM; OR

27 (II) THAT HAS LESS THAN:

1 (A) ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING  
2 HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS  
3 WITH UNFETTERED ACCESS TO VERTICAL SPACE, SUCH AS A MULTI-TIERED  
4 AVIARY OR A PARTIALLY SLATTED SYSTEM; OR

5 (B) ONE AND ONE-HALF SQUARE FEET OF USABLE FLOOR SPACE PER  
6 EGG-LAYING HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT  
7 PROVIDE EGG-LAYING HENS WITH UNFETTERED ACCESS TO VERTICAL  
8 SPACE, SUCH AS A SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM.

9 (2) (a) A BUSINESS OWNER OR OPERATOR SHALL NOT KNOWINGLY  
10 SELL OR TRANSPORT FOR SALE IN THE STATE A SHELL EGG OR EGG  
11 PRODUCT THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD  
12 KNOW WAS PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A  
13 MANNER THAT CONFLICTS WITH THE STANDARDS REQUIRED IN SUBSECTION  
14 (1) OF THIS SECTION.

15 (b) (I) THIS SUBSECTION (2) TAKES EFFECT JANUARY 1, 2023.

16 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JANUARY 1,  
17 2025.

18 (3) FOR THE PURPOSES OF THIS PART 2, A SALE IS DEEMED TO  
19 OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION  
20 OF THE ITEM.

21 **35-21-204. Exceptions.** (1) SECTION 35-21-203 (1) DOES NOT  
22 APPLY DURING:

23 (a) MEDICAL RESEARCH;

24 (b) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR  
25 OPERATION FOR VETERINARY PURPOSES, BUT ONLY IF PERFORMED BY OR  
26 UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED IN  
27 ACCORDANCE WITH ARTICLE 315 OF TITLE 12;

- 1 (c) TRANSPORTATION;
- 2 (d) A STATE OR COUNTY FAIR EXHIBITION, A 4-H PROGRAM, AND
- 3 SIMILAR EXHIBITIONS;
- 4 (e) SLAUGHTER, IF DONE IN ACCORDANCE WITH AN APPLICABLE
- 5 LAW; OR
- 6 (f) TEMPORARY PERIODS FOR ANIMAL HUSBANDRY PURPOSES FOR
- 7 NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR-HOUR PERIOD AND NO
- 8 MORE THAN TWENTY-FOUR HOURS TOTAL IN ANY THIRTY-DAY PERIOD.

9 (2) THIS PART 2 DOES NOT APPLY TO:

10 (a) THE PRODUCTION IN THE STATE, SALE IN THE STATE, OR

11 TRANSPORT FOR SALE IN THE STATE OF SHELL EGGS BY A FARM OWNER OR

12 OPERATOR WITH ANNUAL SHELL EGG PRODUCTION FROM THREE THOUSAND

13 OR FEWER EGG-LAYING HENS IF ALL SHELL EGGS SOLD IN THE STATE OR

14 TRANSPORTED FOR SALE IN THE STATE BY THE FARM OWNER OR OPERATOR

15 ARE DERIVED FROM THREE THOUSAND OR FEWER EGG-LAYING HENS; OR

16 (b) THE SALE OF OR TRANSPORT FOR SALE OF SHELL EGGS IN THE

17 STATE BY A BUSINESS OWNER OR OPERATOR AT ONE OR MORE BUSINESS

18 LOCATIONS IN THE STATE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

19 (I) EACH BUSINESS LOCATION OWNED BY OR OPERATED BY THE

20 BUSINESS OWNER OR OPERATOR SELLS FEWER THAN TWENTY-FIVE CASES

21 OF THIRTY DOZEN SHELL EGGS PER WEEK;

22 (II) ALL BUSINESS LOCATIONS OWNED BY OR OPERATED BY THE

23 BUSINESS OWNER OR OPERATOR COLLECTIVELY SELL FEWER THAN ONE

24 HUNDRED CASES OF THIRTY DOZEN SHELL EGGS PER WEEK; AND

25 (III) THE BUSINESS OWNER OR OPERATOR IS NOT A FARM OWNER

26 OR OPERATOR.

27 **35-21-205. Defense.** IT IS A DEFENSE IN A PROCEEDING TO



1 ENFORCE THIS PART 2 THAT A BUSINESS OWNER OR OPERATOR RELIED IN  
2 GOOD FAITH UPON A WRITTEN CERTIFICATION BY THE SUPPLIER THAT THE  
3 SHELL EGG OR EGG PRODUCT WAS NOT DERIVED FROM AN EGG-LAYING HEN  
4 THAT WAS CONFINED IN A MANNER THAT CONFLICTS WITH THE STANDARDS  
5 IN SECTION 35-21-203 (1).

6 **35-21-206. Penalty.** (1) IF A FARM OWNER OR OPERATOR OR  
7 BUSINESS OWNER OR OPERATOR VIOLATES THIS PART 2, THE  
8 COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE  
9 THOUSAND DOLLARS PER VIOLATION.

10 (2) IF THE COMMISSIONER IS UNABLE TO COLLECT A CIVIL PENALTY  
11 OR IF A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR  
12 FAILS TO PAY ANY PORTION OF A CIVIL PENALTY IMPOSED UNDER THIS  
13 SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE  
14 PENALTY, PLUS COSTS AND ATTORNEY FEES, BY AN ACTION IN A COURT.

15 (3) THE COMMISSIONER SHALL NOT IMPOSE A CIVIL PENALTY  
16 UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A  
17 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

18 **35-21-207. Enforcement - rules.** (1) THE COMMISSIONER SHALL  
19 ENFORCE THIS PART 2. A FARM OWNER OR OPERATOR OR A BUSINESS  
20 OWNER OR OPERATOR SHALL ALLOW THE COMMISSIONER OR THE  
21 COMMISSIONER'S DESIGNEE ACCESS DURING REGULAR BUSINESS HOURS TO  
22 THE FARM OR BUSINESS, VEHICLES, AND RECORDS PERTINENT TO  
23 ACTIVITIES REGULATED IN THIS PART 2.

24 (2) THE COMMISSIONER SHALL PROMULGATE RULES GOVERNING  
25 THE ENFORCEMENT OF THIS PART 2, INCLUDING RULES GOVERNING THE  
26 INSPECTION OF FARMS, SHELL EGGS, AND EGG PRODUCTS, TO ENSURE  
27 SHELL EGGS AND EGG PRODUCTS SOLD IN COLORADO ARE PRODUCED IN

1 COMPLIANCE WITH THIS PART 2.

2 (3) THE COMMISSIONER MAY USE A GOVERNMENT OR PRIVATE  
3 INSPECTION OR PROCESS VERIFICATION PROVIDER TO ENSURE COMPLIANCE  
4 WITH THIS PART 2. TO RELY ON A GOVERNMENT OR PRIVATE INSPECTION  
5 OR PROCESS VERIFICATION PROVIDER, THE COMMISSIONER MUST APPROVE  
6 THE SPECIFIC INSPECTION OR PROCESS VERIFICATION PROVIDER AS  
7 COMPETENT TO ENSURE COMPLIANCE WITH THIS PART 2 DURING BOTH  
8 PRODUCTION AND HANDLING OF SHELL EGGS AND EGG PRODUCTS.

9 **35-21-208. Certification - repeal.** (1) (a) TO SELL SHELL EGGS  
10 ANDEGG PRODUCTS, TO OFFER TO SELL SHELL EGGS OR EGG PRODUCTS, OR  
11 TO TRANSPORT SHELL EGGS OR EGG PRODUCTS FOR SALE WITHIN THE  
12 STATE:

13 (I) A FARM OWNER OR OPERATOR MUST OBTAIN A CERTIFICATE  
14 THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE  
15 WITH THIS PART 2 FROM THE COMMISSIONER;

16 (II) A BUSINESS OWNER OR OPERATOR MUST OBTAIN A COPY OF  
17 THE CERTIFICATE ISSUED UNDER SUBSECTION (1)(a)(I) OF THIS SECTION  
18 FROM A FARM OWNER OR OPERATOR THAT THE SHELL EGGS OR EGG  
19 PRODUCTS COMPLY WITH THIS PART 2. THE BUSINESS OWNER OR  
20 OPERATOR SHALL RETAIN THE COPY AND PROVIDE THE COPY TO THE  
21 COMMISSIONER UPON REQUEST.

22 (b) THE COMMISSIONER SHALL CERTIFY SHELL EGGS AND EGG  
23 PRODUCTS AS COMPLIANT WITH THIS PART 2 IF:

24 (I) THE ENCLOSURES FOR THE EGG-LAYING HENS ARE INSPECTED  
25 IN ACCORDANCE WITH THE RULES PROMULGATED UNDER SECTION  
26 35-21-207 (2); OR

27 (II) THE COMMISSIONER DETERMINES THE SHELL EGGS AND EGG

1 PRODUCTS ARE ACCOMPANIED WITH DOCUMENTATION PROVING THE  
2 ENCLOSURES FOR THE EGG-LAYING HENS HAVE UNDERGONE GOVERNMENT  
3 OR PRIVATE INSPECTION AND PROCESS VERIFICATION SERVICES DESCRIBED  
4 IN SECTION 35-21-207 (3).

5 (2) THE CERTIFICATION ISSUED UNDER THIS SECTION EXPIRES AT  
6 THE END OF THE CALENDAR YEAR.

7 (3) (a) THIS SECTION APPLIES TO THE SALE OF, AN OFFER TO SELL,  
8 OR THE TRANSPORTATION OF SHELL EGGS AND EGG PRODUCTS FOR SALE  
9 WITHIN THE STATE OCCURRING ON OR AFTER JANUARY 1, 2023.

10 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,  
11 2025.

12 **35-21-209. Effects on other animal welfare laws.** THIS PART 2  
13 DOES NOT LIMIT OR REPLACE ANY OTHER STATE STATUTE OR RULE THAT  
14 PROTECTS THE WELFARE OF ANIMALS. THIS PART 2 DOES NOT PREEMPT A  
15 LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN  
16 ANIMAL WELFARE ORDINANCE, RULE, RESOLUTION, OR CHARTER  
17 PROVISION THAT IS MORE STRINGENT THAN THIS PART 2.

18 **SECTION 2.** In Colorado Revised Statutes, 35-1-106, **amend**  
19 (1)(p)(I) as follows:

20 **35-1-106. Powers and duties of commission.** (1) In addition to  
21 all other powers and duties conferred upon the commission by this article  
22 1, the commission has the following specific powers and duties:

23 (p) (I) In consultation with interested industry groups, to fix,  
24 assess, and collect fees in amounts sufficient to recover the department's  
25 direct and indirect costs incurred in carrying out and enforcing the  
26 provisions of articles 12, 13, 14, ~~24~~, 33, 36, 37, and 60 of this title 35,  
27 PART 1 OF ARTICLE 21 OF THIS TITLE 35, and part 2 of article 43 of this title

1 35.

2 **SECTION 3.** In Colorado Revised Statutes, 35-21-101, **amend**  
3 the introductory portion as follows:

4 **35-21-101. Definitions.** As used in this ~~article~~ PART 1, unless the  
5 context otherwise requires:

6 **SECTION 4.** In Colorado Revised Statutes, 35-21-104, **amend**  
7 (4)(j) as follows:

8 **35-21-104. Licenses - application - fees - rules.** (4) (j) For the  
9 fiscal year commencing on July 1, 2007, and for each subsequent fiscal  
10 year, the agricultural commission shall establish a fee schedule to cover  
11 all of the direct and indirect costs of administering and enforcing ~~the~~  
12 ~~provisions of this article~~ THIS PART 1.

13 **SECTION 5.** In Colorado Revised Statutes, 35-21-105, **amend**  
14 (1) and (2)(a) as follows:

15 **35-21-105. Exemption.** (1) Except as provided in subsection (2)  
16 of this section, a person who produces and sells, only on the premises at  
17 which the eggs were produced, at a farmers' market, or through a  
18 community-supported agricultural organization, less than two hundred  
19 fifty dozen eggs per month is exempt from this ~~article~~ PART 1; except that  
20 such a producer may apply for a dealer's license and, upon compliance  
21 with this ~~article~~ PART 1, be issued a dealer's license.

22 (2) A person transporting eggs for sale at a farmers' market or  
23 similar venue under subsection (1) of this section shall:

24 (a) Comply with the transport requirements of section 35-21-103  
25 (3) and any rules, including rules requiring refrigeration, promulgated  
26 under this ~~article~~ PART 1 regarding the safe transport and washing of eggs;  
27 and

1           **SECTION 6.** In Colorado Revised Statutes, 35-21-106, **amend**  
2 (1) as follows:

3           **35-21-106. Rules - commissioner to enforce - procedure.**

4 (1) The commissioner is authorized to formulate rules relating to  
5 licensing, transporting, processing, labeling, sale, storage, inspection, and  
6 record keeping as the commissioner may deem proper and necessary for  
7 the furtherance and enforcement of this ~~article~~. ~~Such~~ PART 1. THE rules  
8 shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~

9           **SECTION 7.** In Colorado Revised Statutes, **amend** 35-21-107 as  
10 follows:

11           **35-21-107. Penalty.** (1) Any person who violates any of the  
12 provisions of this ~~article~~ PART 1 is guilty of a misdemeanor. It is the duty  
13 of the commissioner to notify the district attorney of the judicial district  
14 in which a violation occurs, and the district attorney of said district shall  
15 conduct such proceedings as may be necessary with the cooperation of the  
16 commissioner. Upon conviction in any court of competent jurisdiction,  
17 any person in violation of ~~any of the provisions of this article~~ THIS PART  
18 1 shall be punished by a fine of not more than five hundred dollars. Each  
19 calendar day on which such a violation occurs shall constitute a separate  
20 violation. Fines and penalties imposed under this ~~article~~ PART 1 shall be  
21 collected and remitted as provided by law.

22           (2) After proper hearing as provided in article 4 of title 24, ~~C.R.S.~~,  
23 the commissioner may deny an application for licensure, place a licensee  
24 on probation, or restrict, suspend, revoke, or refuse to renew the license  
25 of a person who violates ~~any of the provisions of this article~~ THIS PART 1  
26 or any rule adopted under this ~~article~~. ~~Such~~ PART 1. THE restriction,  
27 revocation, or suspension of or refusal to renew a license may be in

1 addition to, or in lieu of, any penalties or fines imposed in subsection (1)  
2 of this section.

3 **SECTION 8.** In Colorado Revised Statutes, 35-21-107.5, **amend**  
4 (1)(a) as follows:

5 **35-21-107.5. Civil penalties.** (1) (a) The commissioner may  
6 impose a civil penalty on any person who violates ~~any provision of this~~  
7 ~~article~~ THIS PART 1 or any rule adopted under this ~~article~~. ~~Such~~ PART 1.  
8 THE penalty ~~shall~~ MUST not exceed seven hundred fifty dollars per day per  
9 violation.

10 **SECTION 9. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2020 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.